

ORIGINAL

FILED

DISTRICT COURT OF GUAM

JUN 20 2007

MARY L.M. MORAN  
CLERK OF COURT

LEONARDO M. RAPADAS  
United States Attorney  
RYAN M. ANDERSON  
Assistant U.S. Attorney  
Sirena Plaza Suite 500  
108 Hernan Cortez Avenue  
Hagatna, Guam 96910  
Telephone: (671) 472-7332  
Telecopier: (671) 472-7334

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUDY AGUSTIN, JR.,

Defendant.

CRIMINAL CASE NO.

07-00057

**INDICTMENT**

**DISTRIBUTION OF  
METHAMPHETAMINE  
HYDROCHLORIDE**

[21 U.S.C. § 841(a)(1)]  
(Counts 1, 2 and 3)

**FORFEITURE ALLEGATION**  
[21 U.S.C. § 853]  
(Count 4)

THE GRAND JURY CHARGES:

**COUNT I - DISTRIBUTION OF METHAMPHETAMINE HYDROCHLORIDE**

On or about May 11, 2007, in the District of Guam, the defendant herein, RUDY AGUSTIN, JR., did unlawfully and knowingly distribute .148 grams, gross weight, of methamphetamine hydrochloride, also known as "ice," a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT II - DISTRIBUTION OF METHAMPHETAMINE HYDROCHLORIDE**

On or about May 16, 2007, in the District of Guam, the defendant herein, RUDY AGUSTIN, JR., did unlawfully and knowingly distribute .119 grams, gross weight, of methamphetamine hydrochloride, also known as "ice," a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

### COUNT III - DISTRIBUTION OF METHAMPHETAMINE HYDROCHLORIDE

On or about May 18, 2007, in the District of Guam, the defendant herein, RUDY AGUSTIN, JR., did unlawfully and knowingly distribute .262 grams, gross weight, of methamphetamine hydrochloride, also known as “ice,” a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT IV - FORFEITURE ALLEGATION**

The allegations of Counts I, II, and III of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging criminal forfeiture pursuant to Title 21, United States Code, Section 853.

1. From his engagement in the violations alleged in Counts I, II, and III of the Indictment, punishable by imprisonment for more than one year, the defendant, RUDY AGUSTIN, JR., shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853(a)(1) and (2), any and all real and/or personal property which was involved in the commission of the violations of Title 21, United States Code, Section 841(a)(1) as set forth in Counts I, II, and III respectively, or traceable to such property including, but not limited to the following:

## CASH PROCEEDS

Approximately \$200.00 in U.S. Currency, in that such sum in aggregate was received in exchange for the distribution of controlled substances or is traceable thereto.

## AUTOMOBILES

One 1988 grey Toyota Pick-Up, Guam License Plate #8669MLL, VIN number JT4VN63C4J0007468.

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant RUDY AGUSTIN, JR.:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;

1 d. has been substantially diminished in value; or

2 e. has been commingled with other property which cannot be subdivided without  
3 difficulty;

4 it is the intent to the United States, pursuant to Title 21, United States Code, Section 853(p) to  
5 seek forfeiture of any other property of said defendant up to the value of the above forfeitable  
6 property.

7 All in violation of Title 21, United States Code, Section 853.

8 Dated this 20<sup>th</sup> day of June, 2007.

9 A TRUE BILL.

10   
11 Foreperson

12 LEONARDO M. RAPADAS  
13 United States Attorney  
14 Districts of Guam and NMI

15 By:   
16

17 RYAN M. ANDERSON  
Assistant U.S. Attorney

18 Reviewed:

19   
20 By:

21 JEFFREY J. STRAND  
First Assistant U.S. Attorney

## Place of Offense:

City Hagåtña

## Related Case Information:

07-00057

Country/Parish N/A

Superseding Indictment \_\_\_\_\_ Docket Number \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant X

Search Warrant Case Number \_\_\_\_\_

R 20/ R 40 from District of \_\_\_\_\_

## Defendant Information:

Juvenile: Yes \_\_\_\_\_ No X Matter to be sealed: X Yes \_\_\_\_\_ NoDefendant Name Rudy Agustin, Jr.

Allisas Name \_\_\_\_\_

Address \_\_\_\_\_

**RECEIVED**

JUN 20 2007

DISTRICT COURT OF GUAM  
HAGATNA, GUAMBirth date XX/XX/1970 SS# XXX-XX-0861 Sex M Race PI Nationality US

## U.S. Attorney Information:

SAUSA Ryan M. AndersonInterpreter: X No \_\_\_\_\_ YesList language and/or dialect: N/A

## Location Status:

Arrest Date \_\_\_\_\_

☐ Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody☐ On Pretrial Release

## U.S.C. Citations

Total # of Counts: 4 \_\_\_\_\_ Petty \_\_\_\_\_ Misdemeanor X Felony

## Index Key/Code

## Description of Offense Charged

## Count(s)

Set 1 21 U.S.C. § 841(a)(1) DISTRIBUTION OF METHAMPHETAMINE HYDROCHLORIDE 1-3Set 2 21 U.S.C. § 853 FORFEITURE ALLEGATION 4

Set 3 \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

Set 4 \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

(Continued on reverse)

Date: 6/19/07 Signature of SAUSA: Ryan M. Anderson